

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRITISH TELECOMMUNICATIONS PLC)
and BT AMERICAS, INC.,)
Plaintiffs,)
v.) C.A. No. 22-01538-CJB
PALO ALTO NETWORKS, INC.,)
Defendant.)

JOINT CLAIM CONSTRUCTION CHART

Pursuant to the Scheduling Order (D.I. 62), Plaintiffs British Telecommunications plc and BT Americas, Inc. (collectively, “Plaintiffs”) and Defendant Palo Alto Networks, Inc. (“Defendant”) hereby file this Joint Claim Construction Chart for terms found within U.S. Patent No. 7,159,237.

Section I below sets forth a list of claim terms and their respective constructions on which the parties have agreed. **Section II** sets forth the disputed claim terms that need to be briefed during claim construction, the constructions proposed by the Plaintiffs and Defendant, and the intrinsic evidence the parties believe supports their proposed constructions. Plaintiffs and Defendant reserve the right to rely on any intrinsic evidence cited by the other party. **Section III** sets forth the terms Defendant identified as indefinite, which do no need to be briefed during claim construction. A copy of the **’237 Patent is attached as Exhibit A** and those portions of the intrinsic record relied upon are attached as Exhibits B through X.

The parties reserve their right to amend and/or supplement their positions in this Joint Claim Construction Chart with additional intrinsic evidence in their claim construction briefs to rebut positions taken by the other party.

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Dated: February 23, 2024

JOINT CLAIM CONSTRUCTION CHART

I. Terms Not in Dispute

No.	Term for Construction	Agreed Construction
1.	“dynamically” <u>Claim(s):</u> 1, 18, 26	During actual operation, rather than offline.
2.	“status data” <u>Claim(s):</u> 1-2, 6, 10, 14, 16, 18, 24-26	data extracted from or generated about the traffic or system processing it that is informative as to the status of the network and its components
3.	“probe” <u>Claim(s):</u> 1, 6, 10, 14, 18, 24-26	a component that collects data from one or more network components to which it is attached, filters or otherwise analyzes the data that has been collected, transmits noteworthy information, and receives feedback in order to update its capabilities of analysis
4.	“A method of operating a probe as part of a security monitoring system for a computer network, comprising:” <u>Claim(s):</u> 1	Preamble is limiting.
5.	“an analyst associated with said [security monitoring system] / [secure operations center]” <u>Claim(s):</u> 1, 18, 26	Personnel specializing in the analysis of network attacks.

II. Terms in Dispute, which need to be briefed

No.	Term for Construction	Plaintiffs' Construction	Plaintiffs' Intrinsic Evidence	Defendant's Construction	Defendant's Intrinsic Evidence
1.	“post-filtering residue, wherein the post-filtering residue is data neither discarded nor selected by filtering” <u>Claims:</u> 1, 18, 26	status data that undergoes negative and positive filtering, but is neither discarded by such negative filtering nor selected by such positive filtering	<p>'237 Patent (Ex. A): Fig. 1, Fig. 2, 4:37-5:43, 8:35-9:35, Claim 1, Claim 18, Claim 26</p> <p>'237 Patent Prosecution History Excerpts (Ex. C):¹ Jan. 19, 2001 Application as Filed; March 26, 2004 Non-Final Rejection; July 29, 2004 Amendment; Jan. 13, 2005 Final Rejection; April 13, 2005 Amendment Under 37 C.F.R. 1.116; April 28, 2005 Advisory Action; July 6, 2005 Second Amendment Under 37 C.F.R. 1.116; Oct. 3, 2005 Non-Final Rejection; Feb. 7, 2006 Amendment; July 12, 2006 Notice of Allowability</p>	Plain and ordinary meaning.	<p>'237 Patent (Ex. A): Abstract; Figures 1-3; 1:60-2:2, 3:4-20, 5:19-37, 8:35-59, 15:53-16:14; Claims 1, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 36, 37, 38, 39.</p> <p>'641 Patent (Ex. B): Claims 1, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14.</p> <p>'237 Patent Prosecution History Excerpts (Ex. C): March 26, 2004 Non-Final Rejection; July 29, 2004 Amendment; Jan. 13, 2005 Final Rejection; April 13, 2005 Amendment Under 37 C.F.R. 1.116; April 28, 2005 Advisory Action;</p>

¹ For citations to documents filed before the USPTO, Plaintiffs and Defendant rely upon each of the sections within the Asserted Patent specification or prior art cited by Plaintiffs or the Examiner in the document, as well as what Plaintiffs or the Examiner had to say in citing each such section for support.

		<p><u>IPR2019-01325 ('237 Patent) Excerpts:</u>²</p> <p>Petition for IPR of the '237 Patent (Ex. E)</p>	<p>July 6, 2005 Second Amendment Under 37 C.F.R. 1.116; Oct. 3, 2005 Non-Final Rejection; Feb. 7, 2006 Amendment; July 12, 2006 Notice of Allowability.</p> <p><u>'641 Patent Prosecution History Excerpts (Ex. D):</u></p> <p>March 21, 2007 Prelim. Amendment; June 18, 2009 Non-Final Rejection; December 18, 2009 Amendment April 27, 2010 Final Rejection; Aug. 27, 2010 Amendment under 37 C.F.R. 1.116; Oct. 28, 2010 Notice of Allowability.</p> <p><u>IPR2019-01325 ('237 Patent) Excerpts:</u></p> <p>Patent Owner Preliminary Response (Ex. F);</p>
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² For citations to documents filed in an IPR proceeding, Plaintiffs and Defendant rely upon each of the sections within the Asserted Patent specification or other IPR exhibit cited by Plaintiffs, Defendant, or the Patent Trial and Appeal Board (“PTAB”) in the documents, as well as what Plaintiffs, Defendant, or the PTAAB had to say in citing each such section for support.

				<p>Ex. 2001, Declaration of Wenke Lee (Ex. G); Ex. 2002, Declaration of Bruce Schneier (Ex. H) Decision Denying Inter Partes Review (Ex. I).</p> <p><u>IPR2023-00888 ('237 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. K); Ex. 2001, Declaration of Wenke Lee (Ex. L); Ex. 2002, Declaration of Bruce Schneier (Ex. M) Decision Denying Inter Partes Review (Ex. N).</p> <p><u>IPR2019-01324 ('641 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. P); Ex. 2001, Declaration of Wenke Lee (Ex. Q); Ex. 2002, Declaration of Bruce Schneier (Ex. R); Decision Denying Inter Partes Review (Ex. S).</p> <p><u>IPR2023-00889 ('641 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. U);</p>
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					Ex. 2001, Declaration of Wenke Lee (Ex. V); Ex. 2002, Declaration of Bruce Schneier (Ex. W); Decision Granting Inter Partes Review (Ex. X).
2.	“analysis includes filtering” <u>Claim(s):</u> 1, 18, 26	analysis includes positive filtering to select interesting information and negative filtering to discard uninteresting information	<p>'237 Patent (Ex. A): Fig. 1, Fig. 2, 1:47-2:32, 3:4-3:32, 4:37-5:43, 8:35-9:59, Claim 1, Claim 18, Claim 26</p> <p>'237 Patent Prosecution History Excerpts (Ex. C): Jan. 19, 2001 Application as Filed; March 26, 2004 Non-Final Rejection; July 29, 2004 Amendment; Jan. 13, 2005 Final Rejection; April 13, 2005 Amendment Under 37 C.F.R. 1.116; April 28, 2005 Advisory Action; July 6, 2005 Second Amendment Under 37 C.F.R. 1.116; Oct. 3, 2005 Non-Final Rejection; Feb. 7, 2006 Amendment; July 12, 2006 Notice of Allowability</p> <p>IPR2019-01325 ('237 Patent) Excerpts:</p>	Construed “filtering” below as “discarding data that matches a filter rule and/or selecting data that matches a filter rule.”	<p>'237 Patent (Ex. A): Figures 1-2; 1:60-2:2, 3:4-20, 5:19-37, 7:54-67, 8:35-59, 15:53-16:14; Claims 1, 3, 4, 5, 18, 19 20, 21, 26, 28, 29, 30.</p> <p>'641 Patent (Ex. B): Claims 1, 3, 4, 5.</p> <p>'237 Patent Prosecution History Excerpts (Ex. C): March 26, 2004 Non-Final Rejection; July 29, 2004 Amendment; Jan. 13, 2005 Final Rejection; April 13, 2005 Amendment Under 37 C.F.R. 1.116; April 28, 2005 Advisory Action; July 6, 2005 Second Amendment Under 37 C.F.R. 1.116; Oct. 3, 2005 Non-Final Rejection;</p>

		Petition for IPR of the '237 Patent (Ex. E)	Feb. 7, 2006 Amendment; July 12, 2006 Notice of Allowability.
			<p><u>'641 Patent Prosecution History Excerpts (Ex. D):</u></p> <p>March 21, 2007 Prelim. Amendment;</p> <p>June 18, 2009 Non-Final Rejection;</p> <p>December 18, 2009 Amendment</p> <p>April 27, 2010 Final Rejection;</p> <p>Aug. 27, 2010 Amendment under 37 C.F.R. 1.116;</p> <p>Oct. 28, 2010 Notice of Allowability.</p> <p><u>IPR2019-01325 ('237 Patent) Excerpts:</u></p> <p>Patent Owner Preliminary Response (Ex. F);</p> <p>Ex. 2001, Declaration of Wenke Lee (Ex. G);</p> <p>Ex. 2002, Declaration of Bruce Schneier (Ex. H)</p> <p>Decision Denying Inter Partes Review (Ex. I).</p> <p><u>IPR2023-00888 ('237 Patent) Excerpts:</u></p>

				<p>Patent Owner Preliminary Response (Ex. K); Ex. 2001, Declaration of Wenke Lee (Ex. L); Ex. 2002, Declaration of Bruce Schneier (Ex. M) Decision Denying Inter Partes Review (Ex. N).</p> <p>IPR2019-01324 ('641 Patent) Excerpts: Patent Owner Preliminary Response (Ex. P); Ex. 2001, Declaration of Wenke Lee (Ex. Q); Ex. 2002, Declaration of Bruce Schneier (Ex. R); Decision Denying Inter Partes Review (Ex. S).</p> <p>IPR2023-00889 ('641 Patent) Excerpts: Patent Owner Preliminary Response (Ex. U); Ex. 2001, Declaration of Wenke Lee (Ex. V); Ex. 2002, Declaration of Bruce Schneier (Ex. W); Decision Granting Inter Partes Review (Ex. X).</p>
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3.	<p>“filtering”</p> <p><u>Claim(s):</u> 1, 18, 26</p>	<p>BT proposes construing the clause “analysis includes filtering” (see above) to avoid ambiguity with how the isolated word is used in other contexts.</p>	<p><i>See</i> BT’s intrinsic evidence for “analysis includes filtering,” above.</p>	<p>Discarding data that matches a filter rule and/or selecting data that matches a filter rule.</p>	<p><u>’237 Patent (Ex. A):</u> Figures 1-2; 1:60-2:2, 3:4-20, 5:19-37, 7:54-67, 8:35-59, 15:53- 16:14; Claims 1, 3, 4, 5, 18, 19, 20, 21, 26, 28 29, 30.</p> <p><u>’641 Patent (Ex. B):</u> Claims 1, 3, 4, 5.</p> <p><u>’237 Patent Prosecution History Excerpts (Ex. C):</u> March 26, 2004 Non-Final Rejection; July 29, 2004 Amendment; Jan. 13, 2005 Final Rejection; April 13, 2005 Amendment Under 37 C.F.R. 1.116; April 28, 2005 Advisory Action; July 6, 2005 Second Amendment Under 37 C.F.R. 1.116; Oct. 3, 2005 Non-Final Rejection; Feb. 7, 2006 Amendment; July 12, 2006 Notice of Allowability.</p> <p><u>’641 Patent Prosecution History Excerpts (Ex. D):</u></p>
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				<p>March 21, 2007 Prelim. Amendment; June 18, 2009 Non-Final Rejection; December 18, 2009 Amendment April 27, 2010 Final Rejection; Aug. 27, 2010 Amendment under 37 C.F.R. 1.116; Oct. 28, 2010 Notice of Allowability.</p> <p><u>IPR2019-01325 ('237 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. F); Ex. 2001, Declaration of Wenke Lee (Ex. G); Ex. 2002, Declaration of Bruce Schneier (Ex. H) Decision Denying Inter Partes Review (Ex. I).</p> <p><u>IPR2023-00888 ('237 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. K); Ex. 2001, Declaration of Wenke Lee (Ex. L); Ex. 2002, Declaration of Bruce Schneier (Ex. M)</p>
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					<p>Decision Denying Inter Partes Review (Ex. N).</p> <p>IPR2019-01324 ('641 Patent) Excerpts: Patent Owner Preliminary Response (Ex. P); Ex. 2001, Declaration of Wenke Lee (Ex. Q); Ex. 2002, Declaration of Bruce Schneier (Ex. R); Decision Denying Inter Partes Review (Ex. S).</p> <p>IPR2023-00889 ('641 Patent) Excerpts: Patent Owner Preliminary Response (Ex. U); Ex. 2001, Declaration of Wenke Lee (Ex. V); Ex. 2002, Declaration of Bruce Schneier (Ex. W); Decision Granting Inter Partes Review (Ex. X).</p>
6.	“security-related events” <u>Claim(s):</u> 1, 18, 24, 26	An attack or intrusion against the computer network.	<p>'237 Patent (Ex. A): Fig. 1, 1:47-2:20, 2:36-58, 3:4-19, 3:33-55, 5:19-43, 7:16-30, 8:35-59, 9:22-30, 14:62-15:6, Claims 1, 18, 24, 26</p>	Potentially intrusive activity happening on a network.	<p>'237 Patent (Ex. A): Abstract; 2:3-20, 3:34-53, 5:19-37, 5:38-56, 15:63-16:5; Defendant further intends to rely on the language of the '237 Patent claims.</p> <p>'641 Patent (Ex. B):</p>

				<p>Defendant further intends to rely on the language of the '641 Patent claims.</p> <p><u>'237 Patent Prosecution History Excerpts (Ex. C):</u></p> <p>March 26, 2004 Non-Final Rejection; July 29, 2004 Amendment; Jan. 13, 2005 Final Rejection; April 13, 2005 Amendment Under 37 C.F.R. 1.116; April 28, 2005 Advisory Action; July 6, 2005 Second Amendment Under 37 C.F.R. 1.116; Oct. 3, 2005 Non-Final Rejection; Feb. 7, 2006 Amendment; July 12, 2006 Notice of Allowability.</p> <p><u>'641 Patent Prosecution History Excerpts (Ex. D):</u></p> <p>March 21, 2007 Prelim. Amendment; June 18, 2009 Non-Final Rejection; December 18, 2009 Amendment</p>
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				<p>April 27, 2010 Final Rejection; Aug. 27, 2010 Amendment under 37 C.F.R. 1.116; Oct. 28, 2010 Notice of Allowability.</p> <p><u>IPR2019-01325 ('237 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. F); Ex. 2001, Declaration of Wenke Lee (Ex. G); Ex. 2002, Declaration of Bruce Schneier (Ex. H) Decision Denying Inter Partes Review (Ex. I).</p> <p><u>IPR2023-00888 ('237 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. K); Ex. 2001, Declaration of Wenke Lee (Ex. L); Ex. 2002, Declaration of Bruce Schneier (Ex. M) Decision Denying Inter Partes Review (Ex. N).</p> <p><u>IPR2019-01324 ('641 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. P);</p>
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					Ex. 2001, Declaration of Wenke Lee (Ex. Q); Ex. 2002, Declaration of Bruce Schneier (Ex. R); Decision Denying Inter Partes Review (Ex. S).
7.	“identify potentially security-related events represented in the status data” <u>Claim(s):</u> 1, 18, 26	determine what status data is believed to be footprints (evidence) of “security-related events”	'237 Patent (Ex. A): Fig. 1, Fig. 2, 1:47-2:20, 2:36-58, 3:4-19, 3:33-55, 5:19-43, 7:16-30, 8:35-59, 9:22-30, 14:62-15:6, Claims 1, 18, 26	No construction required.	'237 Patent (Ex. A): Abstract; 2:3-20, 3:34-53, 5:19-37, 5:38-56, 15:63-16:5; Defendant further intends to rely on the language of the '237 Patent claims. '641 Patent (Ex. B): Defendant further intends to rely on the language of the '641 Patent claims. '237 Patent Prosecution History Excerpts (Ex. C):

				<p>March 26, 2004 Non-Final Rejection; July 29, 2004 Amendment; Jan. 13, 2005 Final Rejection; April 13, 2005 Amendment Under 37 C.F.R. 1.116; April 28, 2005 Advisory Action; July 6, 2005 Second Amendment Under 37 C.F.R. 1.116; Oct. 3, 2005 Non-Final Rejection; Feb. 7, 2006 Amendment; July 12, 2006 Notice of Allowability.</p> <p><u>'641 Patent Prosecution History Excerpts (Ex. D):</u></p> <p>March 21, 2007 Prelim. Amendment; June 18, 2009 Non-Final Rejection; December 18, 2009 Amendment April 27, 2010 Final Rejection; Aug. 27, 2010 Amendment under 37 C.F.R. 1.116; Oct. 28, 2010 Notice of Allowability.</p>
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				<p><u>IPR2019-01325 ('237 Patent) Excerpts:</u></p> <p>Patent Owner Preliminary Response (Ex. F); Ex. 2001, Declaration of Wenke Lee (Ex. G); Ex. 2002, Declaration of Bruce Schneier (Ex. H) Decision Denying Inter Partes Review (Ex. I).</p> <p><u>IPR2023-00888 ('237 Patent) Excerpts:</u></p> <p>Patent Owner Preliminary Response (Ex. K); Ex. 2001, Declaration of Wenke Lee (Ex. L); Ex. 2002, Declaration of Bruce Schneier (Ex. M) Decision Denying Inter Partes Review (Ex. N).</p> <p><u>IPR2019-01324 ('641 Patent) Excerpts:</u></p> <p>Patent Owner Preliminary Response (Ex. P); Ex. 2001, Declaration of Wenke Lee (Ex. Q); Ex. 2002, Declaration of Bruce Schneier (Ex. R); Decision Denying Inter Partes Review (Ex. S).</p>
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					IPR2023-00889 ('641 Patent) Excerpts: Patent Owner Preliminary Response (Ex. U); Ex. 2001, Declaration of Wenke Lee (Ex. V); Ex. 2002, Declaration of Bruce Schneier (Ex. W); Decision Granting Inter Partes Review (Ex. X).
8.	“feedback … based on empirically-derived information” <u>Claim(s):</u> 1, 18, 26	The information that is received was derived from an empirical analysis of the information previously transmitted	'237 Patent (Ex. A): Fig. 1, Fig. 2, 2:3-32, 3:34-55, 5:19-37, 7:1-53, 9:22-30, 14:62-15:6 Claims 1, 18, 26	Indefinite.	'237 Patent (Ex. A): Abstract; Figures 1-3; 2:3-20, 2:21-32, 7:16-30; Defendant further intends to rely on the language of the '237 Patent claims. '641 Patent (Ex. B): Defendant further intends to rely on the language of the '641 Patent claims. '237 Patent Prosecution History Excerpts (Ex. C): March 26, 2004 Non-Final Rejection; July 29, 2004 Amendment; Jan. 13, 2005 Final Rejection; April 13, 2005 Amendment Under 37 C.F.R. 1.116;

				<p>April 28, 2005 Advisory Action; July 6, 2005 Second Amendment Under 37 C.F.R. 1.116; Oct. 3, 2005 Non-Final Rejection; Feb. 7, 2006 Amendment; July 12, 2006 Notice of Allowability.</p> <p><u>'641 Patent Prosecution History Excerpts (Ex. D):</u> March 21, 2007 Prelim. Amendment; June 18, 2009 Non-Final Rejection; December 18, 2009 Amendment April 27, 2010 Final Rejection; Aug. 27, 2010 Amendment under 37 C.F.R. 1.116; Oct. 28, 2010 Notice of Allowability.</p> <p><u>IPR2019-01325 ('237 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. F); Ex. 2001, Declaration of Wenke Lee (Ex. G);</p>
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				<p>Ex. 2002, Declaration of Bruce Schneier (Ex. H); Decision Denying Inter Partes Review (Ex. I).</p> <p><u>IPR2023-00888 ('237 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. K); Ex. 2001, Declaration of Wenke Lee (Ex. L); Ex. 2002, Declaration of Bruce Schneier (Ex. M); Decision Denying Inter Partes Review (Ex. N).</p> <p><u>IPR2019-01324 ('641 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. P); Ex. 2001, Declaration of Wenke Lee (Ex. Q); Ex. 2002, Declaration of Bruce Schneier (Ex. R); Decision Denying Inter Partes Review (Ex. S).</p> <p><u>IPR2023-00889 ('641 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. U); Ex. 2001, Declaration of Wenke Lee (Ex. V);</p>
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					Ex. 2002, Declaration of Bruce Schneier (Ex. W); Decision Granting Inter Partes Review (Ex. X).
9.	<p>“empirically-derived information reflecting operation of said security monitoring system”³</p> <p><u>Claim(s):</u> 1, 18, 26</p>	Not indefinite.	<p>Given no construction is being proposed for this term, and Plaintiffs are not required to provide intrinsic evidence that a term is <i>not</i> indefinite at this stage, BT does not provide any intrinsic evidence for this term.</p> <p>To the extent this construction is relevant to BT’s proposed construction of “feedback ... based on empirically-derived information,” above, <i>see</i> the intrinsic evidence provided for that term above.</p>	Indefinite.	<p><u>'237 Patent (Ex. A):</u> Abstract; Figures 1-3; 2:3-20, 2:21-32, 7:16-30; Defendant further intends to rely on the language of the '237 Patent claims.</p> <p><u>'641 Patent (Ex. B):</u> Defendant further intends to rely on the language of the '641 Patent claims.</p> <p><u>'237 Patent Prosecution History Excerpts (Ex. C):</u> March 26, 2004 Non-Final Rejection; July 29, 2004 Amendment; Jan. 13, 2005 Final Rejection; April 13, 2005 Amendment Under 37 C.F.R. 1.116; April 28, 2005 Advisory Action;</p>

³ Plaintiff objects to the inclusion of this term for briefing during claim construction because Plaintiff does not seek any affirmative construction of this term. Defendant only identifies this term as indefinite but maintained this term should be briefed because it was contextually relevant.

				<p>July 6, 2005 Second Amendment Under 37 C.F.R. 1.116; Oct. 3, 2005 Non-Final Rejection; Feb. 7, 2006 Amendment; July 12, 2006 Notice of Allowability.</p> <p><u>'641 Patent Prosecution History Excerpts (Ex. D):</u> March 21, 2007 Prelim. Amendment; June 18, 2009 Non-Final Rejection; December 18, 2009 Amendment April 27, 2010 Final Rejection; Aug. 27, 2010 Amendment under 37 C.F.R. 1.116; Oct. 28, 2010 Notice of Allowability.</p> <p><u>IPR2019-01325 ('237 Patent) Excerpts:</u> Patent Owner Preliminary Response (Ex. F); Ex. 2001, Declaration of Wenke Lee (Ex. G); Ex. 2002, Declaration of Bruce Schneier (Ex. H)</p>
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				<p>Decision Denying Inter Partes Review (Ex. I).</p> <p><u>IPR2023-00888 ('237 Patent) Excerpts:</u></p> <p>Patent Owner Preliminary Response (Ex. K); Ex. 2001, Declaration of Wenke Lee (Ex. L); Ex. 2002, Declaration of Bruce Schneier (Ex. M) Decision Denying Inter Partes Review (Ex. N).</p> <p><u>IPR2019-01324 ('641 Patent) Excerpts:</u></p> <p>Patent Owner Preliminary Response (Ex. P); Ex. 2001, Declaration of Wenke Lee (Ex. Q); Ex. 2002, Declaration of Bruce Schneier (Ex. R); Decision Denying Inter Partes Review (Ex. S).</p> <p><u>IPR2023-00889 ('641 Patent) Excerpts:</u></p> <p>Patent Owner Preliminary Response (Ex. U); Ex. 2001, Declaration of Wenke Lee (Ex. V); Ex. 2002, Declaration of Bruce Schneier (Ex. W);</p>
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				Decision Granting Inter Partes Review (Ex. X).
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III. Terms Defendant Identified as Indefinite, which do not need to be Briefed⁴

No.	Term for Construction	Plaintiffs' Construction	Defendant's Construction
1.	“wherein said identifying step includes performing a multi-stage analysis of said status data” <u>Claim(s):</u> 2	Not invalid or indefinite.	Either invalid under 35 U.S.C. § 112(4) or indefinite.
2.	“wherein said multi-stage analysis includes analysis at the probe and analysis at a secure operations center configured to receive data from said probe” <u>Claim(s):</u> 6	Not invalid or indefinite.	Either invalid under 35 U.S.C. § 112(4) or indefinite.
3.	“wherein said identifying step includes cross-correlating data	Not indefinite.	Indefinite.

⁴ Defendant merely notes indefiniteness here for these certain terms to reserve the right to address the issue at the appropriate time. Accordingly, the parties agree not to brief indefiniteness for these certain terms that Defendant alleges are indefinite during claim construction.

	across said monitored components” <u>Claim(s):</u> 8, 12		
4.	“further comprising after said step (c), performing further computer based analysis at a secure operations center configured to receive data from said probe” <u>Claim(s):</u> 10	Not invalid or indefinite.	Either invalid under 35 U.S.C § 112(4) or indefinite.
5.	“instantaneously self-tuning” <u>Claim(s):</u> 15	Not indefinite.	Indefinite.
6.	“wherein said dynamic modifying step includes consideration of non-real-time information from ongoing security research efforts” <u>Claim(s):</u>	Not indefinite.	Indefinite.

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7.	“substantially real time” <u>Claim(s):</u> 17	Not indefinite.	Indefinite.